


Commonwealth of Virginia		
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Administrative Law Advisory Committee		

MEETING SUMMARY
Administrative Law Advisory Committee
Monday, September 23, 2013
12:00 PM
House Room 1
Capitol Building

MEMBERS PRESENT: Thomas Lisk (Chair), Eric Page, Katya Herndon, Alexander Skirpan, Cindy Berndt, Roger Chaffe, Brooks Smith, Edward Mullen, Elizabeth Andrews, Karen Perrine

MEMBERS ABSENT: Jeff Gore, Mike Quinan

STAFF PRESENT: Andrew Kubincanek, Jane Chaffin

Call to order and Welcome: Thomas Lisk welcomed the group and called the meeting to order at 12:03 PM.

Regulation Adoption Date work group update: Elizabeth Andrews presented the work group report on what constitutes adoption of a regulation for the purpose of appeals. Ms. Andrews reminded the committee of an inconsistency regarding Virginia Marine Resources Commission's APA exemptions. The members of the work group decided that this issue was beyond their mandate. As this inconsistency arose as a result of a recodification, the Registrar's office agreed to bring this issue directly to the Code Commission.

Ms. Andrews then presented a proposal to amend § 2.2-4026 of the Code of Virginia and add a new subsection B. Katya Herndon suggested adding a semicolon after subsection 1 of the amendment. No members of the committee or the public presented any other questions or concerns. Mr. Lisk made a motion to accept the amendment. Ms. Herndon seconded the motion. The motion passed with a unanimous vote and will be recommended to the Code Commission.

Discuss Model State APA Recommendations: Mr. Lisk stated that the regulatory work group had previously reviewed sections 1, 2, 3, 7, and 8 of the Model State APA and found no compelling need to suggest changes to the Virginia APA.

Mr. Page stated that the judicial work group had reviewed sections 4 and 5 of the Model State APA and had formed a consensus on certain changes to the Virginia APA. There were other items on which the work group had not yet reached consensus. Mr. Page stated that he would

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circulate a summary of the consensus items to the work group and produce a proposal for the full committee to discuss.

Mr. Page also stated that, in his recollection, the full committee had reviewed section 6 and decided that changes related to this section were not necessary.

Other Business (DEQ Panel update): Brooks Smith stated that the DEQ Panel had not yet produced a proposal to address the Total Maximum Daily Load issue raised at the previous meeting.

Public comment; adjournment: Mr. Lisk opened the floor for public comment. Hearing no public comment, Mr. Lisk adjourned the meeting at 12:15.

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